

amount representing actual costs incurred but not to exceed 130 percent of the project cost estimate on the approved RUS Form 740c, "Costs Estimates and Loan Budget for Electric Borrowers,"¹ as amended. Minor construction is defined as a project costing \$25,000 or less. Such projects qualify for advance of loan funds even though they may not have been included in an RUS-approved Borrower's construction workplan, amendment to such workplan or approved loan. Total advances requested shall not exceed the total loan amount. All projects for which loan fund advances are requested must be constructed to achieve purposes permitted by terms of the loan contract between the Borrower and RUS.

(b) *Certification.* Pursuant to the applicable provisions of the RUS loan contract, Borrowers shall certify with each request for funds to be approved for advance that such funds are for projects in compliance with this section and shall also provide for those that cost in excess of \$25,000 a contract or work order number as applicable and a workplan cross-reference identification.

For a minor project not included in an RUS approved Borrower's construction workplan, the Borrower shall describe the project and do one of the following to satisfy RUS's environmental requirements (see 7 CFR part 1794).

(1) If applicable, state that the project is a categorical exclusion of a type described in 7 CFR 1794.31(b) which normally does not require preparation of a Borrower's Environmental Report (BER); or

(2) If applicable, state that the project is a categorical exclusion of a type that normally requires a BER and then:

(i) Submit the BER with the request for funds to be approved for advance, or

(ii) If applicable, certify that it has analyzed the minor project with respect to a comprehensive service area environmental map and data base collected and used in preparing the BER for its RUS-approved Borrower's construction workplan, and that on the basis of that information the minor project will not be located in an environmentally sensitive area or location.

(c) *Noncompliance.* Where insured loan funds are found to have been advanced in noncompliance with this rule, Borrowers will be required to return the appropriate amount of the over advance together with any accrued and unpaid interest to RUS. The Administrator will require Borrowers, in order to remedy such noncompliance, to pay an additional amount equal to the interest on the funds over advanced for the period such funds were outstanding, calculated at a rate equal to the difference between the RUS loan interest rate and the most recent rate at which RUS sold Certificates of Beneficial Ownership (CBO's). While RUS will generally permit the amount of over advance returned to be requested subsequently by the Borrower for RUS approved projects, nothing herein contained shall be construed to preclude RUS from exercising any rights or remedies which RUS may have pursuant to the loan contract.

[50 FR 5368, Feb. 8, 1985. Redesignated at 55 FR 39395, Sept. 27, 1990]

Subpart B—[Reserved]

PART 1724—ELECTRIC SYSTEM PLANNING AND DESIGN POLICIES AND PROCEDURES

Subpart A—General [Reserved]

Subpart B—Architectural Services [Reserved]

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1724.42—1724.44 [Reserved]

1724.45 Permitted deviations from RUS construction standards.

¹A copy of these forms and publications may be obtained by writing the Rural Utilities Service, Washington, DC 20250.

AUTHORITY: 7 U.S.C. 901 *et seq.*; 7 U.S.C. 1921 *et seq.*; Pub. L. 103-354, 108 Stat. 3178 (7 U.S.C. 6941 *et seq.*).

EDITORIAL NOTE: Nomenclature change to part 1724 appears at 55 FR 39397, Sept. 27, 1990.

Subpart A—General [Reserved]

**Subpart B—Architectural Services
[Reserved]**

**Subpart C—Engineering Services
[Reserved]**

**Subpart D—Electric System
Planning [Reserved]**

Subpart E—Electric System Design

**§ 1724.41 Compliance with National
Electrical Safety Code.**

(a) All borrowers' new lines and substations shall be constructed and operated in accordance with the requirements of the National Electrical Safety Code (NESC). The applicable edition of the NESC to be followed shall be the latest edition which is effective in accordance with the provisions of that edition. Where local regulations or other RUS requirements are more stringent, those requirements shall govern.

(b) The Administrator of RUS will consider specific requests to approve construction which is not in accordance with the NESC if the borrower provides evidence satisfactory to the Administrator that an exception is necessary or desirable and in the interests of the Government and the borrower.

(c) Overhead distribution circuits shall be constructed with not less than the Grade C strength requirements as described in section 26, Strength Requirements, of the NESC when subjected to the loads specified in NESC section 25, Loadings for Grades B, C, and D. Overhead transmission circuits shall be constructed with not less than the Grade B strength requirements as described in NESC section 26.

[49 FR 11620, Mar. 27, 1984. Redesignated at 55 FR 39395, Sept. 27, 1990]

§§ 1724.42—1724.44 [Reserved]

**§ 1724.45 Permitted deviations from
RUS construction standards.**

(a) *Structures for raptor protection.* Standard distribution line structures may not have the extra measure of protection needed in areas frequented by eagles and other large birds (raptors) to protect such birds from electric shock due to physical contact with energized wires. Borrowers are allowed to deviate from RUS construction standards to provide for raptor protection in the design of overhead line structures in those cases where such protection is required by (1) RUS or (2) a Federal, state or local authority with permit or license authority over the proposed construction. Structures which are designed for raptor protection shall be in accordance with *Suggested Practices for Raptor Protection on Powerlines—The State of the Art in 1981*, published by the Raptor Research Foundation, Inc., provided, however, that such structures shall be in accordance with the National Electrical Safety Code unless a specific waiver has been granted by the RUS Administrator. Copies of this publication may be purchased from the Raptor Research Foundation, Inc., c/o Department of Veterinary Biology, University of Minnesota, St. Paul, Minnesota 55101. It is also available for inspection at the Office of the Federal Register Information Center, 800 North Capitol Street, NW., suite 700, Washington, DC. This incorporation by reference has been approved by the Director of the Office of the Federal Register. Any deviation from the RUS construction standards for the purpose of raptor protection, which is not in accordance with the above report, must be approved by RUS prior to construction.

(b) *Transformer neutral connections.* Where it is necessary to separate the primary and secondary neutrals to provide the required electric service to a consumer, the RUS standard transformer connections may be modified in

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accordance with Rule 97D2 of the National Electrical Safety Code.

[49 FR 11620, Mar. 27, 1984. Redesignated at 55 FR 39395, Sept. 27, 1990, and amended at 55 FR 53487, Dec. 31, 1990]

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